

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNY,

No. C-06-07521 (EDL)

Plaintiff,

ORDER REGARDING DISCOVERY

v.

REGIS CORPORATION, et al.,

Defendants.

The Court has reviewed Plaintiff's letter dated May 13, 2008 regarding the parties' discovery dispute, Defendants' May 14, 2008 response, and the District Court's May 14, 2008 Order that this Court should decide this dispute.

The Court intended that Defendants produce the contact information of the 68 employee declarants when it issued its May 2, 2008 Order Re Discovery, which discussed the appropriateness of disclosing employee contact information prior to class certification. As the cases cited in the Court's original order held, the weight of authority does not require opt out notice in the face of the disclosure requirements of the Federal Rules of Civil Procedure. See, e.g., Wiegele v. Fedex Ground Package Sys., 2007 U.S. Dist. LEXIS 9444 (S.D. Cal. Feb. 8, 2007) (finding that the "potential privacy interests of putative class members were adequately balanced to protect Plaintiffs' ability to prosecute this action" where the court had ordered disclosure of former and current employees' addresses and phone numbers pursuant to a protective order). Telephone numbers and addresses are far less sensitive private information than, for example, social security numbers or medical information. Nonetheless, the Court ordered that Defendants could designate such information as confidential under the protective order in this case to address any privacy concerns. Because the protective order addresses such privacy concerns, Defendants are again ordered to

1 produce the addresses and telephone numbers of those declarants by noon tomorrow.

2 **IT IS SO ORDERED.**

3 Dated: May 14, 2008

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge